

31. 10/08/02

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

02/27/02  
0542 U.S. PTO

Packet No. A-71350/RMS/DCF

Anticipated Classification of  
this Application:

Class: Subclass:

Prior Application:

Examiner:  
Art Unit: 1645

"EXPRESS MAIL" MAILING LABEL

NUMBER EV 047414570 US

DATE OF DEPOSIT February 27, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE  
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO: BOX PATENT APPLICATION, ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME

SIGNED

David Morris

1017 U.S. PTO  
10/085117  
02/27/02

Box PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing an

- ☐ Original
- ☐ Continuation
- ☐ Divisional
- ☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of David MORRIS and Eric ENGELHARD, for  
NOVEL COMPOSITIONS AND METHODS FOR CANCER.

1. (a) ☐ Enclosed is a new application.
- (b) ☒ Enclosed is a continuation-in-part application.
- (c) ☐ Enclosed is a copy of the prior application.
  
2. (a) ☐ Enclosed is a new Declaration.
- (b) ☐ Enclosed is a copy of the prior executed Declaration as originally filed.
- (c) ☐ Enclosed is a Combined Declaration/Power of Attorney.

3. (a)      Enclosed is a Small Entity Affidavit.  
 (b) X A Small Entity Affidavit is of record in the prior application.

4.      The filing fee is calculated below:  
 Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col.2)	<u>SMALL ENTITY</u>			<u>OTHER THAN A SMALL ENTITY</u>	
For:	<u>No. Filed</u>	<u>No. Extra</u>	<u>Rate</u>	<u>Fee</u>	<u>Or</u>	<u>Rate</u>	<u>Fee</u>
Basic Fee				\$ 370.00			\$740.00
Total Claims	<u>19</u> - 20 =	<u>0</u>	<u>0</u> x 9 =	\$ <u>0.00</u>	OR	<u>    </u> x \$18 =	\$ <u>    </u>
Indep Claims	<u>14</u> - 3 =	<u>11</u>	<u>11</u> x 42 =	\$ <u>154.00</u>	OR	<u>    </u> x \$84 =	\$ <u>    </u>
[ ] Multiple Dependent Claims			+ \$140 =	\$ <u>0.00</u>	OR	+ \$280 =	\$ <u>    </u>
Total				<u>\$ 524.00</u>			<u>\$ <u>    </u></u>

\* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

5. X NO check is enclosed.
6.      Our check in the amount of                  is enclosed.
7.      The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-71350/RMS/DCF).
8.      Cancel in this application original claims                  of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
9.      Amend the specification by inserting before the first line the sentence:

10. (a) ☐ Informal drawings are enclosed, ☐ sheets.  
(b) ☐ Formal drawings are enclosed, ☐ sheets.
11. (a) ☒ Claims benefit of U.S. Applications Serial Nos. 09/747,377, filed December 22, 2000, and 09/798,586, filed March 2, 2001.  
(b) ☐ The certified copy has been filed in prior application Serial No.  filed on .
12. ☐ An Assignment is enclosed.
13. ☐ The prior application is assigned of record to .
14. ☐ A Power of Attorney by Assignee is enclosed.
15. ☒ The power of attorney in the prior application is to:  
FLEHR HOHBACH TEST ALBRITTON & HERBERT, LLP  
(a) ☐ The power appears in the original papers in the prior application.  
(b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c) ☒ Address all future communications to:  
Robin M. Silva, Esq.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989
16. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
17. ☐ A Prior Art Statement is enclosed.

18. ☐ A Sequence Listing is enclosed (comprising a communication, computer readable sequence listing, and paper copy thereof).
19. ☒ A CD-ROM (in duplicate) is enclosed which contains Table 1 which is a table of sequences. These sequences are expressly incorporated into the specification by reference.
20. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

Date: 2/27/02

Robin M. Silva  
Robin M. Silva, Reg. No. 38,304

Address of Signer:

Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: 415-781-1989

☒ Attorney or agent of record

☐ Filed under Section 1.34(a)

10706001

**PATENT**

Attorney Docket No.: A-71350/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MORRIS, et al.

Serial No.:

Filed: Herewith

For: NOVEL COMPOSITIONS AND  
METHODS FOR CANCER

Examiner: UNKNOWN  
Group Art Unit:

"EXPRESS MAIL" MAILING LABEL

NUMBER EV 047414570 US

DATE OF DEPOSIT February 27, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE"  
SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED  
ABOVE AND IS ADDRESSED TO: BOX PATENT  
APPLICATION, ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, DC 20231.

TYPED NAME Darryl K. Kelly

SIGNED [Signature]

TRANSMITTAL OF PAPER COPY TABLE ON COMPACT DISC

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

As part of the patent application entitled "Novel Compositions and Methods for Cancer", having the inventors David Morris and Eric Engelhardt, and pursuant to 37 C.F.R. 1.52(e) and 1.58, applicant is submitting the paper copy of Table 1 in compact disc form. Table 1 is greater than 50 pages of text in length. Each compact disc enclosed, labeled "Copy 1" and "Copy 2," respectively, was created on an IBM-PC compatible machine using the MS-Windows operating system and contains a single file of 8,459 kilobytes named Table1.txt, created on February 25, 2002. The two compact discs are identical.

Also enclosed with the compact discs are:

1. Continuation-in-Part Patent Application transmittal.
2. Patent Application (comprising Specification, Claims and Abstract).

The Commissioner is authorized to charge any fees for this transmittal on compact disk, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-71350/RMS/DCF).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: 2/27/02.

Robin M. Silva  
Robin M. Silva, Reg. No. 38,304

Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989